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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUL - 2 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Cellular Service and Other Commercial
Mobile Radio Services in the Gulf of
Mexico

WT Docket No. 97-112

Amendment of Part 22 of the Commission's
Rules to Provide for Filing and Processing
of Applications for Unserved Areas in the
Cellular Service and to Modify Other
Cellular Rules

CC Docket No. 90-6

COMMENTS OF CENTENNIAL CELLULAR CORP.

Centennial Cellular Corp. ("Centennial"), through counsel, hereby comments in the captioned proceeding. Centennial, through wholly-owned subsidiaries, is the A Block cellular carrier serving the Beauregard, Louisiana 5 RSA, Market 458 (KNKQ374),¹ the Beaumont-Port Arthur, Texas MSA, Market 101 (KNKA454) and the Iberville, Louisiana 6 RSA, Market 459 (KNKQ339), each of which border on the Gulf of Mexico. As explained

¹ In order to correct the record in this proceeding, Centennial notes that the five year buildout period has not yet expired with respect to station KNKQ374 serving Market 458. The five year period expires on January 8, 1998. See Second Further Notice of Proposed Rulemaking, FCC 97-110, ¶41, released April 16, 1997 ("Second Notice") (stating that all five year buildout periods have expired).

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below, Centennial supports the Commission's tentative conclusion to allow all existing authorized land-based service area contours that extend into the Coastal Zone to remain undisturbed.

In the Second Notice, the Commission addresses the potential impact of its proposals on incumbent cellular licensees with existing authorized land-based sites that provide service into the GMSA.² The Commission notes that it has granted numerous de minimis extensions into the GMSA, and that under present rules, de minimis extensions are incorporated into the CGSA of the cellular carrier that is providing service to the area after Phase 1 buildout, if the carrier files a System Information Update for the market into which it extends.³ In light of this, the Commission proposes to continue this practice by:

allowing all water-based and land-based service area boundaries that extend into the Coastal Zone to be incorporated into the CGSA of the carrier currently providing service, provided that the authorizations were properly granted in accordance with the cellular rules in effect at the time of the grant.

As previously indicated, Centennial supports this conclusion and believes it best serves the public interest. The Commission tentatively concludes that the public interest will be served by the proposal because service to subscribers will continue undisturbed, and cellular carriers will be able to concentrate resources on providing service to unserved areas.⁴ Centennial agrees with the Commission and also notes that any required "pull back" of SAB

² See Second Notice, ¶¶35-36.

³ Id. at ¶35.

⁴ Id. at ¶36.

extensions⁵ permitted under existing rules in the Coastal Zone would constitute impermissible retroactive rulemaking.⁶

With respect to pending applications by land-based carriers proposing de minimis extensions into the Gulf, Centennial opposes the Commission's proposal.⁷ The Commission should process and grant any pending application that complies with existing FCC rules. Contrary to the Commission's conclusion that processing of such applications would be inequitable in light of the reconsideration proceeding, the real inequity is to deny existing carriers the right to rely upon existing rules. Therefore, pending applications proposing a contour overlap into the Gulf, which has been consented to by the appropriate Gulf licensee, should be granted.

CONCLUSION

The Commission should not disturb any existing SAB extension into the GMSA to the extent it was permissible under the FCC's rules at the time the extension of service commenced. In addition, the Commission should resume processing and grant pending applications by carriers that propose consensual extensions into the Gulf.

⁵ Authorized SAB extensions would include granted applications involving such extensions, as well as, extensions permitted by FCC Form 489 pursuant to FCC Rule Section 22.163(e).

⁶ See Georgetown Univ. Hospital v. Bowen, 821 F.2d 750 (D.C. Cir. 1987), aff'd, 488 U.S. 204 (1988). In this regard, the proposed rules must accommodate the full five year buildout period of Centennial's Station KNKQ374 under existing rules. Otherwise, Centennial will be competitively disadvantaged relative to other licensees.

⁷ See Second Notice at ¶¶55-56.

Respectfully submitted,


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